IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3716 OF 2006
IN
SUMMARY SUIT NO.2254 OF 2005

Irene Pereira ....Plaintiff
V/s.
Daisy Raju & Another ....Defendants

Mr.Saxena i/b Saxena& Co. for Defendant No.2 in support.
Mr.Pandey i/b Pandey & Co. for the Plaintiff to show cause.

CORAM : S.J. VAZIFDAR, J.
DATED : 27TH NOVEMBER, 2006.

P.C. :

1. Defendant No.2 in any event is not liable to the Plaintiff. Admittedly Defendant No.2 has not signed the loan agreement. In the circumstances, there can be no objection to the Notice of Motion being allowed as far as Defendant No.2 is concerned if the ex-parte decree is set-aside as against Defendant No.2 alone.

2. The Notice of Motion is accordingly disposed of.